

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 MARQUIS LAMAR FRANKLIN,

7 Defendant

Case No.: 2:17-cr-00333-APG-PAL

**Order Denying Motion for Sentence
Calculation Adjustment**

[ECF No. 41]

8 Defendant Marquis Lamar Franklin submitted a letter that I will treat as a motion
9 requesting that I order the Bureau of Prisons to recalculate his sentence and give him additional
10 credit for time he contends he served in federal custody. ECF No. 41. The Government opposes
11 on several grounds. ECF No. 43. First, it contends I have no jurisdiction because the letter is a
12 motion under 28 U.S.C. § 2241, such motions must be filed in the district where Franklin is in
13 custody, and Franklin is presently housed in the Central District of California.

14 Because Franklin is challenging the duration of his confinement, I must construe it “as a
15 petition for habeas corpus under 28 U.S.C. § 2241.” *Tucker v. Carlson*, 925 F.2d 330, 332 (9th
16 Cir. 1991). As such, Franklin must seek his relief in the Central District of California, which is
17 where he is in custody. *Rumsfeld v Padilla*, 542 U.S. 426, 442 (2004). I have no jurisdiction to
18 entertain his request.

19 I THEREFORE ORDER that Franklin’s motion for adjustment to the calculation of his
20 sentence **(ECF No. 41) is denied without prejudice.**

21 Dated this 26th day of August, 2019.

22 
23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE